

## **REMARKS/ARGUMENTS**

### **1.) Claim Rejections – 35 U.S.C. § 112, second paragraph**

Claims 1-3, 5-12 and 14-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Examiner rejects the language “receive at the server a request for triggering” and “entering into the first device an indication of the matching” as being unclear.

Applicant submits that although the limitations may be broad, they are not so broad as to render them unclear. Applicant is under no obligation to claim from where “the request” to the server is sent. Likewise, Applicant is under no obligation to claim who or what is confirming the matching. Neither limitation needs to be further limited in order to understand what is being claimed. As such, Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

### **2.) Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1-3, 5-12, and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Falk, *et al.* (U.S. Patent No. 5,668,876). Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner has not met the burden of proving *prima facie* anticipation. The rejection provided does not rise to the level of detail required in order to prove that Falk anticipates the claims as presently constituted. Specifically, with respect to the independent claims, The Examiner cites parts of columns 6 and 7 of Falk in order to prove anticipation. However, there is no specific showing by the Examiner as to what specific elements of Falk teach a “first institution”, “second institution”, “first device”, “second device”, “first characteristic”, “second characteristic”, “first linking information”, or “second linking information”. The Examiner clearly does not specifically point out elements in Falk that read on each and every element that is recited in these claims. Until the Examiner specifically points out what elements of Falk are being read on the elements of Applicant’s claims, the Examiner’s

burden of proof with respect to anticipation has not been met. Applicant respectfully requests a more detailed non-final office action or allowance of the present claims.

### **3.) The Rejection is Ambiguous**

The importance of the specificity requirement of 37 C.F.R. § 1.104(c) is evident in M.P.E.P. § 706.07, which states:

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal.

A clear issue, however, cannot be developed between Applicant and the Examiner where the basis for the Examiner's rejection of the claims is ambiguous. The Examiner's "analysis" provides little insight as to (i) how the Examiner is interpreting the elements of the claims and (ii) what specific features within Falk the Examiner believes identically discloses the specific elements (and interactions between elements) recited in the claims. By failing to specifically identify those features within the reference being relied upon in the rejection, the Examiner has essentially forced Applicants to engage in mind reading and/or guessing to determine how the Examiner is interpreting the elements of the claims and what specific features within the reference the Examiner believes identically disclose the claimed invention.

In effect, the Examiner is placing the burden on Applicant to establish that the reference does not disclose the claimed elements based upon Applicant's interpretation of the claims and Applicant's comparison of the claims with the applied prior art. However, this shifting of burden, from the Examiner to Applicant, is premature since the Examiner has not discharged the initial burden of providing a prima facie case of anticipation. Applicant also notes that any continuing disagreement between Applicant and the Examiner as to whether or not a particular claimed feature is disclosed by the reference is a direct result of a lack of specificity by the Examiner in the statement of the rejection.

In the present matter, corresponding elements of the Falk reference have not been shown with specificity to teach each and every element of independent claims 1,

10, and 18. The Examiner refers to columns 6 and 7 as teaching the claim elements but does not point to specific corresponding elements in Falk in making the rejection. It is impossible for the Applicant to know how specific elements of Falk are being applied to the elements of Applicant's claims. In the interest of facilitating a more focused and compact prosecution, Applicant respectfully requests either a telephonic Examiner interview or a new non-final Office Action.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Date: April 21, 2010

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